

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS
Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care.
- To care for a child who must be born within a year of the child's birth or placement.
- To care for the employee's spouse, child, or parent who has a serious health condition.
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employer's job.
- For qualifying exigencies related to the military deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered government's spouse, child, parent or next of kin also may take up to 26 weeks of FMLA leave in a 12-month period to care for the service member who is a covered spouse or next of kin.

An employee does not need to use leave in 12-week blocks. When an employee's FMLA leave is intermittent, employees may take leave intermittently or in a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave for FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

SENESITY & NOTICE
When employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

Employers may not interfere with an individual's FMLA rights or retaliate against an employee for using FMLA leave. Employers may not impose any practice that would interfere with the FMLA or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS
An employee who works for a covered employer must meet three criteria to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months.
- Have at least 1,260 hours of service in the 12 months before

For additional information or to file a complaint:
1-866-4-USWAGE
(1-866-487-9243) TTY: 1-877-889-5627
www.dol.gov/whd
U.S. Department of Labor | Wage and Hour Division

WH1402 REV 04/16

WYOMING STATE MINIMUM WAGE

\$5.15 Per Hour

A training wage of \$4.25 per hour is allowed for employees under age 20 during the first 90 days of employment.

Ref.: WS 27-4-202

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 PER HOUR

BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

OVERTIME PAY At least 1 1/2 times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hour restrictions. Different rules apply in agricultural employment.

TIP CREDIT Employees of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

NURSING MOTHERS The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may initiate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd

EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

EXAMINEE RIGHTS Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd

ATTENTION EMPLOYEES AND APPLICANTS

This information must be posted at all times and available for your review. If you have any questions about these postings, please call the Wyoming Department of Workforce Services at (307) 777-8650 or 877-WORK-WYO.

HEALTH AND SAFETY PROTECTION ON THE JOB

Wyoming Department of Workforce Services Notice to Employees Health and Safety Protection on the Job

The Wyoming Occupational Health and Safety Act provides job health and safety protection for workers employed by general business and industry throughout the state as well as for all employees of the state and its political sub-divisions.

The Wyoming Department of Workforce Services, OSHA Division, created by the Act, has primary responsibility for administering the Act, and the Occupational Health and Safety Commission promulgates rules and regulations for workplace health and safety standards as authorized by the Act.

By law: Safety on the job is everybody's responsibility!

Employers
Each employer shall furnish to his employees, a place of employment and employment which are free from recognized hazards that are causing or that are likely to cause death or serious physical harm. Each employer shall comply with occupational safety and health standards, rules, regulations and orders issued pursuant to the Act.

Employees
Each employee shall comply with occupational safety and health standards and all rules, regulations and orders issued pursuant to this Act, which are applicable to their own action and conduct.

Employer Reporting Requirements
Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.

Inspection
The Act requires that a representative or representatives of the employers and a representative or representatives authorized by the employees shall be given an opportunity to accompany a duly authorized representative of the Commission before or during the physical inspection of any workplace for the purpose of aiding such inspection.

Where there is no authorized employee representative, the authorized representative of the Commission (Compliance Officer) shall consult with a reasonable number of employees concerning matters of safety and health.

Violation
If upon inspection Wyoming OSHA Division determines that an employer has violated the Act, a citation and notification of penalty will be issued to the employer within 180 days following the occurrence of the violation. Each notice of violation will specify a time period within which the violation must be corrected.

The notice of violation must be prominently posted in a conspicuous place at or near the site of the violation until the violation is corrected, or for three working days, whichever period is longer.

Voluntary Action
Technical Assistance Consultative Services is responsible for providing free technical assistance to all employers, associations, and state and local governments working within the boundaries of Wyoming. These services are available upon a written request from employers. These services include but are not limited to courtesy visits (without assessment of penalties), health and safety training and consultative services.

Complaint
Employees or their representatives have the right to file a complaint with Wyoming OSHA requesting an inspection if they believe unsafe or unhealthy conditions exist in their workplace. Wyoming OSHA will without complaint names.

The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act. Note: Discrimination cases do not have a set number of days to issue a citation for protected activity.

Ref.: WS 27-11

Under a plan approved by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), the State of Wyoming is providing job safety and health protection for workers throughout the state. OSHA will monitor the operation of this plan to assure that continued approval is merited. Any person may make a complaint regarding the state administration of this plan directly to the Regional Office of OSHA, U.S. Department of Labor, Occupational Safety and Health Administration, 1999 Broadway #1690, Denver, CO 80202-5716, Phone: (303) 844-1600.

Employers must...

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations for a minimum of 3 days or until all the citations are abated.

Note: Additional information may be obtained from...
Wyoming OSHA
Cheyenne, Wyoming 82002
(307) 777-7786 | wyomingworkforce.org

THIS NOTICE SHALL BE CONSPICUOUSLY POSTED IN EACH PLACE OF EMPLOYMENT IN THE STATE OF WYOMING AS REQUIRED BY THE RULES OF PRACTICE AND PROCEDURE.

Revised April 19, 2018

WORKERS RIGHTS

Attention Employees
YOUR RIGHTS ARE PROTECTED!

The State of Wyoming requires labor law posters to be displayed in a conspicuous location accessible to all employees.

STATE AND FEDERAL LABOR LAW

DISCRIMINATION

Discrimination is Against the Law

The Wyoming Fair Employment Practices Act of 1965, as amended, makes it an unlawful employment practice for an employer to:

- Refuse to hire
- To discharge
- Refuse to promote
- To demote

Or

To discriminate in matters of compensation or the terms, conditions or privileges of employment against any person otherwise qualified because of:

- Race
- Color
- Sex
- Creed
- Age
- Ancestry
- National Origin
- Disability

Information and materials pertaining to Equal Employment Opportunity may be obtained in writing at the below address. If you feel that you have been discriminated against in matters of employment, contact the below address.

Wyoming Department of Workforce Services Fair Employment Program
Labor Standards
1510 E. Pershing Blvd., Room 150,
Cheyenne, WY 82002
(307) 777-7261

Ref.: WS 27-3-401

EMERGENCY NUMBERS CALL 911

POLICE: _____
AMBULANCE: _____
PHYSICIAN: _____
HOSPITAL: _____
FIRE DEPARTMENT: _____
POISON CONTROL: _____
OSHA: _____

PAY DAY NOTICE

PAY DAY IS ON:

- MONDAY
- TUESDAY
- WEDNESDAY
- THURSDAY
- FRIDAY
- SATURDAY
- SUNDAY

PAY SCHEDULE IS:

- WEEKLY
- BIWEEKLY
- SEMI MONTHLY
- MONTHLY

PAYCHECKS ARE ISSUED ON THE: _____ AND _____ OF THE MONTH

AT: _____
TIME: _____

WYOMING WORKERS' COMPENSATION ACT

Your employer may have qualified with the Workers' Compensation Division for the coverage of injuries arising out of and in the course of employment. While at work in or about the premises occupied, used or controlled by the employer. This coverage is required for extra hazardous industries and occupations. Employers in non-extra hazardous industries may opt for this coverage level, as well.

In the event of a work-related injury

1. Notify your employer how and when you were injured within 72 hours of the incident.
2. Submit a written report of your injury to Wyoming Workers' Compensation within 10 days of the incident. You must complete and sign the "Wyoming Report of Injury" form. If your employer does not have any forms, call (307) 777-7441, or contact your nearest Workforce Center, for information on how or where to obtain an injury report form.
3. Submit the form to a local Workers' Compensation office or representative, or mail it to:

Wyoming Workers' Compensation
PO Box 20207 Cheyenne, WY 82002

The filing of an injury report is not a claim for lost wages or any other Workers' Compensation benefit. You must apply for benefits. To obtain the appropriate application form, contact Workers' Compensation. For more detailed information or assistance concerning benefits and procedures, call the Wyoming Workers' Compensation Division at (307) 777-7441 or visit wyomingworkforce.org.

WYOMING UNEMPLOYMENT INSURANCE

Claims may be filed by unemployed workers by telephone or by the Internet. Unemployment insurance taxes are paid by employers.

You are insured under the law

Department of Workforce Services
Unemployment Insurance Division
PO Box 2760
Casper, WY 82602

Wyoming Claims Center
In-State (307) 473-3789;
Out-of-State (866) 729-7799

Internet Claims
wyomingworkforce.org

Unemployment Insurance Information
wyomingworkforce.org

Wyoming@Work
(find a job in Wyoming)
wyomingatwork.com

Ref.: WS 27-3-401

Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations
Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practice where the accommodation does not impose undue hardship.

DISABILITY
Title I of the Americans with Disabilities Act of 1990, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE
The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (GAYES)
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS
Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION
All of these federal laws prohibit covered entities from retaliating against a person who files a charge of employment discrimination, participates in a discrimination proceeding, or otherwise opposes a willful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED
There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to preserve your right to file a private lawsuit, should you ultimately need so, you should contact EEOC promptly when discrimination is suspected.
The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments), EEOC field office information is available at www.eeoc.gov or in most telephone directories under U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts
Applicants to and employees of companies with a Federal Government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Section 503 of the Rehabilitation Act of 1973, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or advance from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.
Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately.

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-367-6211 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Dallas@dol.gov or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance
RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodations, can perform the essential functions of the job.
If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

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EEOC-PDE-1 (Revised 11/09)